IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O. O. C. J.
WRIT PETITION NO.2213 OF 2004

M/s. Star Constructions ..Petitioner.
Vs.
Amol Co-operative Housing Society Ltd. & anr. ..Respondents.
...
Ms. Lata Desai for the Petitioner.
Mr. V.C. Ghosalkar for Respondent No.1.

CORAM: DR. D.Y. CHANDRACHUD, J.
27th November, 2006.

P.C. :

A Notice of Motion was filed by the co-operative society in the main writ petition which was admitted for final hearing. At the hearing of the Notice of Motion it has been urged that against the recovery certificate that has been issued under Section 101 of the Maharashtra Co-operative Societies Act, 1960, revision is maintainable under Section 154 of the Act. In the circumstances, it is not necessary to keep the petition pending before this Court since the Petitioner has an efficacious alternate remedy. The Petition has by consent been taken on Board and called out for hearing.

Counsel appearing for the Petitioner states that a revision application shall be filed against the recovery certificate within a period of four weeks from today. In the event that a

revision application is filed within a period of four weeks, the Divisional Joint Registrar shall hear and dispose of the application on merits without regard to the bar of limitation. In the event that a revision application is filed within a period of four weeks from today as directed, the Divisional Joint Registrar shall endeavour to dispose of the revision application within a period of six months thereafter. In the meantime, the amount that was deposited before this Court in pursuance of the interim order dated 13th August, 2004 is permitted by consent to be withdrawn by the co-operative society, the First Respondent herein in view of the provisions of Section 154(2A) of the Maharashtra Co-operative Societies Act, 1960, subject to the First Respondent undertaking that in the event that any amount is held to be due and refundable to the Petitioner, the First Respondent shall refund the amount at such rate of interest as may be awarded by the Divisional Joint Registrar or any competent authority. Undertaking to be filed within a period of two weeks. All the rights and contentions of the parties are kept open on merits. In these circumstances, since no further point has been pressed on either side, the petition is disposed of in the aforesaid terms.